

DECLARATORY
~~Improvement~~ Res. No. 1079-1962

For the Condemnation of right of way
for sewer easement purposes across, through
and under a portion of Lot No. 3, Archangel
Godfrey's Subdivision of Richardville Reserve.

Sewer No. 705-1962

Resolution Adopted:

May 21, 1962

Confirmed: **ALL ACTION RESCINDED**
OCT 25 1962

Bids Received:

Contract Awarded:

Contract and Bond:

Contractor:

Reported Completed:

Assessment Roll Confirmed:

Sewer 705-162

B. O. 88-162

DECLARATORY RESOLUTION NO. 1079-1962

For the Condemnation of right of way for sewer easement purposes across, through and under a portion of Lot No. 3, Archangel Godfrey's Subdivision of Richardville Reserve.

PLANS ORDERED:

ADOPTED: May 21, 1962

ADVERTISE NOTICE TO PROPERTY OWNERS: May 25 & June 1, 1962
Notices mailed May 31, 1962

HEARING ON CONFIRMATION: Thurs., June 14, 1962, 3:30 p. m.

Continued to Thursday, June 28, 1962, 3:30 p.m.

CONFIRMED: July 26, 1962 Cont. to July 12, 1962 3:30 p.m.
Cont. to July 26, 1962 3:30 p.m.

ASSESSMENT ROLL ORDERED: July 26, 1962

ASSESSMENT ROLL APPROVED: August 30, 1962

HEARING ON CONFIRMATION

OF ASSESSMENT ROLL: Thurs., Sept. 20, 1962, 3:30 p. m.

Continued to Sept. 27, 1962

NOTICE SERVED: Sept. 6, 1962

Continued to Oct. 11, 1962, 3:30 p. m.

" Oct. 25, 1962, 3:30 p. m.

ASSESSMENT ROLL CONFIRMED:

ALL ACTION RESCINDED

OCT 25 1962

GRANT OF EASEMENT was received from Owner.

For the ~~Vacation Opening~~ Condemnation of right of way for ~~utility purposes~~ sewer easement purposes across, through and under a portion of Lot No. 3, Archange Godfrey's Subdivision of Richardville Reserve.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is desired and deemed necessary to condemn right-of-way for sewer easement purposes across, through and under a portion of Lot No. 3, Archange Godfrey's Subdivision of Richardville Reserve, situated on the west side of the St. Marys River in Township 30 north, Range 12 east, according to the plat of said subdivision recorded in Book 52, Pages 54 and 55, Allen County, Indiana, Recorder's Office, which is more particularly described as follows:

(SEE ATTACHED SHEET)

All as shown by a plan of such proposed ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ sewer purposes as above described, now on file in the Office of the Department of Public Works of the City of Fort Wayne, Indiana. The condemnation of right-of-way, as above described, is to be made by condemning and appropriating for sewer easement purposes the property described above.

The cost of said ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ sewer purposes shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by such ~~Vacation Opening~~ Condemnation of right of way for ~~utility~~ sewer purposes is described as follows: A portion of Lot No. 3, Archange Godfrey's Subdivision of Richardville Reserve. Said portion of Lot No. 3 inclusive to the City of Fort Wayne, Indiana.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled "An Act Concerning Municipal Corporations", as approved March 6, 1905 and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal installments with interest at the rate of five (5)% per annum. Under no circumstances shall the City of Fort Wayne, Indiana be or be held responsible for any sum or sums due from the said property owner or owners, or for the payment of any bond or bonds, except for such moneys as shall have been actually received by the City from the assessments for such property damages as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

~~The vacation of the above described~~ shall be subject to an easement for the use of the City of Fort Wayne, Indiana, and other municipalities for the construction and maintenance of sewers, water mains, gas mains, electric pole lines and conduits, telephone and telegraph pole lines and conduits.

All Streets, lots and lands affected by the above described condemnation are located in the southeast quarter of Section Twenty-Two, Township 30 north, Range 12 east and lie wholly within the corporate limits of the City of Fort Wayne, Indiana.

ADOPTED THIS 21 DAY OF

May 1962

Attest:
Secretary Board of Public Works.

Edward
Board of Public Works.

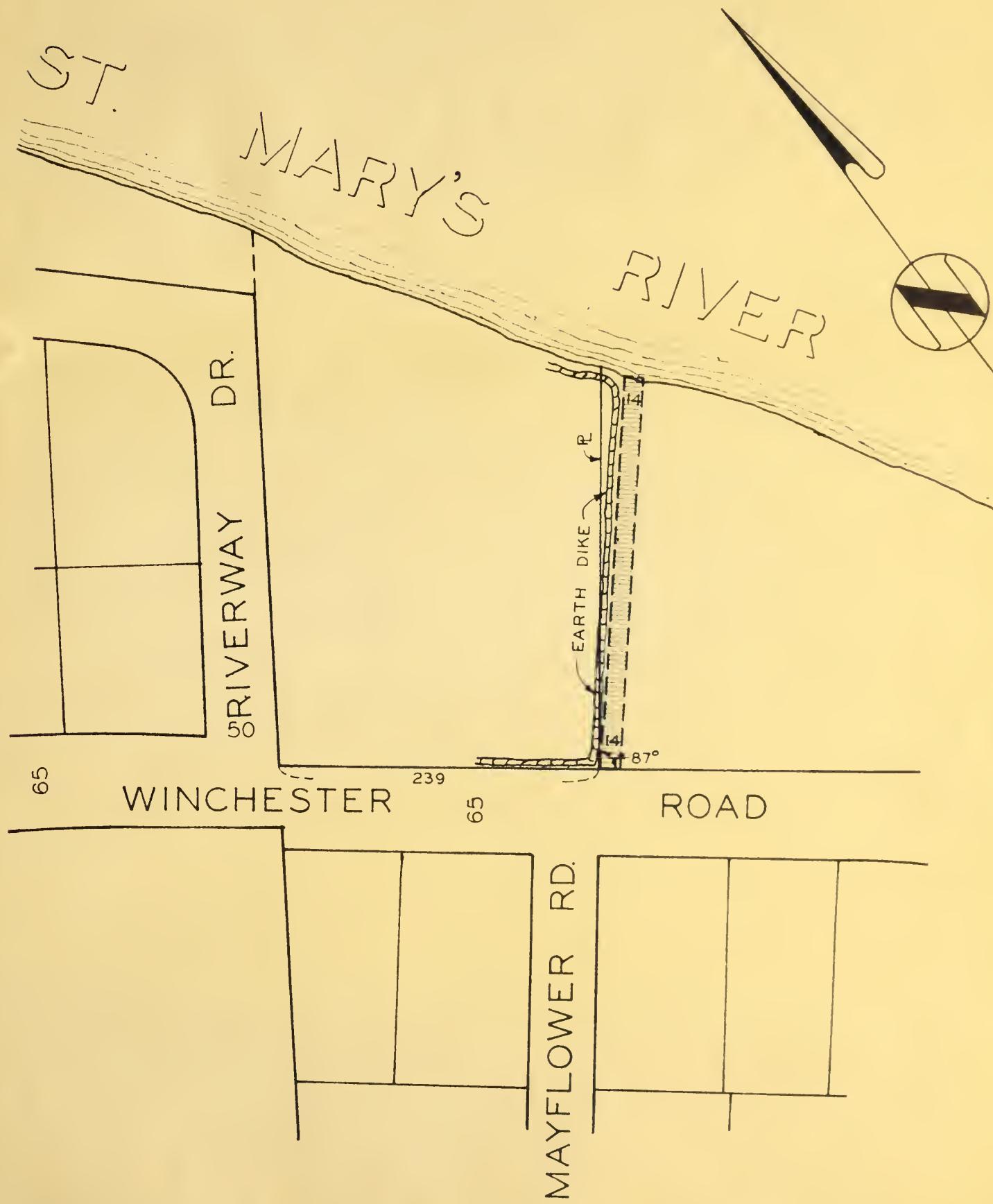
Beginning at the northeasterly corner of Winchester Road and Riverway Drive; thence in a southeasterly direction along the northeasterly right-of-way line of Winchester Road, a distance of 239 feet, which is the point of beginning of the property to be condemned for sewer easement purposes:

Thence in a northeasterly direction by deflection left of 87°, a distance of 280 feet, to a point on the bank of the St. Mary's River; thence in a southeasterly direction by deflection right of 90°, a distance of 14 feet; thence in a southwesterly direction by deflection right of 90°, a distance of 280 feet to the northeasterly right-of-way line of Winchester Road; thence in a northwesterly direction by deflection right of 87°, a distance of 14 feet to the point of beginning.



EASEMENT TO BE ACQUIRED FOR SEWER PURPOSES

1079



ENGINEERING
DEPT. OF STREETS

088

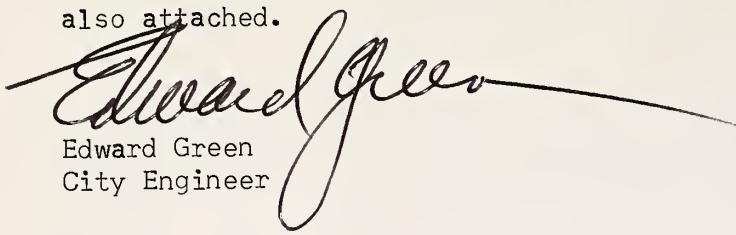
DATE May 17, 1962

TO: BOARD OF PUBLIC WORKS

SUBJECT: _____

Declaratory Resolution No. 1079-1962, which provides for the condemnation of right-of-way for sewer easement purposes in connection with the paving of streets in Broadview Terrace Addition, is completed and attached.

Please notify this office what Board Order number is assigned to this resolution. Drawing and property ownership list are also attached.


Edward Green
City Engineer

DEB:ld
attachs.
cc: Mayor Burns

10/13
8/27/62

OFFICE OF
BOARD OF PUBLIC WORKS



FORT WAYNE 2, INDIANA

B.O. 88-162

44-277-6

Date July 26, 1962

To City Engineer

Subject Dec. 1079 -1962 sewer easement

Prepare Assessment Roll of Benefits \$1.00 and Damages \$1.00.

Paul F. Roembke
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
attach Res. & P. O. List
cc: Mayor Burns

NOTED

- P.F.R.
- C.L.S.
- B.W.

Date

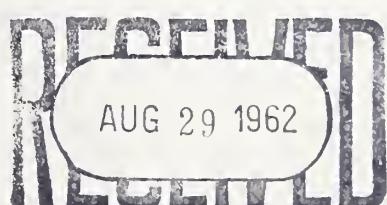
Signed

Reply:

August 28, 1962

Assessment roll of benefits and damages completed and attached.

Edward Green
Edward Green,
City Engineer
DEB/is
attachs.



Signed

SENDER: REMOVE & KEEP 3RD COPY - RECEIVER: ANSWER & KEEP 2ND COPY - RETURN 1ST COPY

City of Fort Wayne



ENGINEERING DEPARTMENT

FORT WAYNE, INDIANA

425 SOUTH CALHOUN STREET

October 25, 1962

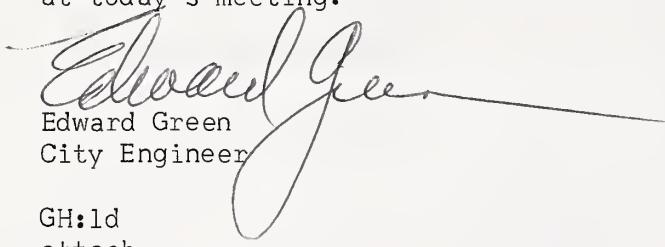
BOARD OF PUBLIC WORKS

Board Order No. 88-1962

Re: Declaratory Resolution No. 1079-1962 which provides for the condemnation of right-of-way for sewer easement purposes across, through and under a portion of Lot No. 3, Archangel Godfrey's Subdivision of Richardville Reserve, in connection with the Broadview Terrace Addition Storm Sewer Project

In accordance with our letter dated October 23, 1962, we are attaching the recorded easement grant from Kenneth F. and Judith Carol Myers in connection with the Broadview Terrace Storm Sewer Project.

Please rescind all action on Declaratory Resolution No. 1079-1962 at today's meeting.


Edward Green
City Engineer

GH:ld
attach.
cc: Mayor Burns

City of Fort Wayne



RECEIVED
OCT 24 1962
RECEIVED

ENGINEERING DEPARTMENT

FORT WAYNE, INDIANA

425 SOUTH CALHOUN STREET

October 23, 1962

NOTED

- P.F.R.
 C.L.S.
 S.W.

BOARD OF PUBLIC WORKS

B.O. 88-1962

Re: Declaratory Resolution No. 1079-1962 which provides for the condemnation of right-of-way for sewer easement purposes across, through and under a portion of Lot No. 3, Archangel Godfrey's Subdivision of Richardville Reserve, in connection with the Broadview Terrace Addition Storm Sewer Project.

Mr. & Mrs. Kenneth Myers have executed a new easement grant which is now at the Allen County Recorder's Office to be recorded. We therefore recommend the above described resolution be rescinded, as previously discussed, at the October 25 meeting.

The recorded easement grant will be forwarded to your office when it is returned to us.

Edward Green
Edward Green
City Engineer

BEB:ld

cc: Mayor Burns

45-10-5

B.O. 88-162

Oct. 25, 1962

City Engineer

Dec. Res. 1079-1962 Sewer Easement

ALL ACTION RECOMMENDED, Grant of Easement has been received.

Paul F. Roenike
C. L. Sidle
Berkeley Ward
BOARD OF PUBLIC WORKS

ic
cc: Mayor Burns

THIS INDENTURE WITNESSETH that Kenneth F. Myers and Judith Carol Myers, husband and wife and each over the age of 21 years of Allen County in the state of Indiana, grant and convey to the City of Fort Wayne, Indiana, an Indiana municipal corporation of Allen County in the State of Indiana, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt whereof grantors hereby acknowledge, an easement for storm water sewer purposes only, in and under and through the following described real estate in Allen County, in the State of Indiana, to-wit:

Part of Lot No. 3, Archangel Godfrey's Subdivision of Richardville Reserve, situated on the west side of the St. Mary's River, Township 30 North, Range 12 East, according to the plat of said subdivision recorded in Book 52, pages 54-55, in the office of the Recorder of Allen County, Indiana, more particularly described as follows:

Beginning at the northeasterly corner of Winchester Road and Riverway Drive, thence in a southeasterly direction along the northeasterly right of way line of said Winchester Road, a distance of 239 feet to a point, which is the point of beginning of the easement herein conveyed; thence northeasterly parallel to the northwesterly line of Lot No. 3 in said Godfrey's Subdivision, a distance of 272 feet, thence southeasterly parallel to the northeasterly right of way line of Winchester Road, a distance of 10 feet, thence southwesterly parallel to the northwesterly line of Lot No. 3 in said Godfrey's Subdivision, a distance of 272 feet, thence northwesterly along the northeasterly right of way line of said Winchester Road a distance of 10 feet to the place of beginning.

*Richard J. Myers
ALLEN COUNTY REC'D.
102 OCT 23 AM 8 55*

IN WITNESS WHEREOF, the grantors have hereunto set their hands and seals the 23 day of October, 1962.

Kenneth F. Myers (Seal)
Kenneth F. Myers

Judith Carol Myers (Seal)
Judith Carol Myers

BULY ENTERED FOR TAXATION

OCT 23 1962

Ronald R. Shambough
Auditor of Allen County

Will Cull.

ACKNOWLEDGEMENT

STATE OF INDIANA }
COUNTY OF ALLEN) SS:

Before me, the undersigned, a Notary Public, in and for said county and state, this 23rd day of October 1962, personally appeared Kenneth F. Myers and Judith Carol Myers, husband and wife and each over the age of 21 years, and acknowledged the execution of the foregoing as their free and voluntary act and deed, and the free and voluntary act and deed of each of them.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day, month and year aforesaid.

Emma Lea Strader
NOTARY PUBLIC

My commission expires:

April 14, 1964

This instrument was prepared by
DONALD E. BODEKER
Employee of The City Of Fort Wayne
on its behalf.

RESCIND ALL ACTION ON THE RESOLUTION

Comes now the City Engineering Department and shows that the property owners, Kenneth F. and Judith Carol Myers, have submitted executed easement which will satisfactorily provide for the sewer line for which this condemnation proceeding was instituted, and it being shown that this condemnation action is not yet final since no determination of the benefits and damages has been made and no compensation has been paid to the property owners.

Now, therefore, the Board hereby rescinds and cancels this Resolution and all action taken hereunder.

COMPARED
WITH
PHOTOSTAT



NOTICE OF IMPROVEMENT

OFFICE BOARD OF PUBLIC WORKS

Fort Wayne, Indiana, **May 31, 1962**

1079

To.....
.....

You are hereby notified that the Board of Public Works, of the City of Fort Wayne, Indiana, did
Declaratory **1079-1962**
pass Improvement Resolution No.
providing for the Condemnation of right of way for sewer easement purposes across, through,
and under a portion of Lot No. 3, Archangel Godfrey's Subdivision of Richardville Reserve.

All work to be done under aforementioned Improvement Resolution shall be in accordance with the detailed plans, profile and specifications which are now on file and may be seen in the office of the Board of Public Works.

The Board has fixed..... **Thursday, June 14, 1962 at 3:30 pm.**

a date and time when they will hear and consider objections or remonstrances from all persons whose property will be affected by the proposed improvement.

You are hereby notified that

is subject to assessment for said proposed improvement under the Improvement Laws passed by the General Assembly of the State of Indiana, March 6, 1905, and under all acts amendatory thereto and supplemental thereof.

BOARD OF PUBLIC WORKS

DECLARATORY

1079 - 1962 For THE CONDEMNATION OF RIGHT-OF-WAY FOR SEWER EASEMENT

PURPOSES ACROSS, THROUGH, AND UNDER A PORTION OF LOT NO. 3, ARCHANGE GODFREY'S SUBDIVISION OF RICHARDVILLE RESERVE

	OWNER'S NAME	ADDRESS	R. P. O.	NUMBER OF			DESCRIPTION
				LOT	BLOCK	O. L.	
1	Rodenbeck, G.W. & V.L.	6125 Winchester Road		3	P. N.E. of		ARCHANGE GODFREY'S SUBDIVISION OF
2	Meyers, Kenneth F. & Judith Carol	6516 Winter St.			WINCHESTER RD. IN S.E.		RICHARDVILLE RESERVE
3					1/4 OF SECT. 22-30-12 E		
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61	NOTICES MAILED OR SERVED						
62	May 31 1962						
63	By Daryl Bellamy						
64	N. to P.O.						
65							
				TOTAL			

1079